

Arkansas Insurance Department

Asa Hutchinson
Governor



Alan McClain
Commissioner

BEFORE THE STATE BOARD OF EMBALMERS, FUNERAL DIRECTORS, CEMETERIES, AND BURIAL SERVICES

IN THE MATTER OF

**Stephens Funeral Home, a Type A Establishment,
Warren Stephens, a Licensed Funeral Director,**

**Mary Stephens, an unlicensed person,
and Carolyn Williams, an unlicensed person,**

Respondents

Case No. 21-17

Via Certified Return Receipt 7020 0090 0000 1730 5767; and First Class Mail

September 24, 2021

Mr. Warren Stephens
Stephens Funeral Home
257 Panama Rd.
West Helena, AR 72390

Dear Mr. Stephens:

Please find the following Notice of Public Hearing on the complaint filed against you and the establishment:

NOTICE OF PUBLIC HEARING

You are advised that an administrative hearing will take place on January 18, 2022 at 9:00 a.m. at an official meeting of the State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services, in the Diamond Mine Room on the 2nd Floor of the Department of Commerce

building, located at 1 Commerce Way, Little Rock, AR 72202. The hearing will be held before the Board concerning the following matters. The Hearing is your opportunity to defend yourself against the following allegations, and for the Board to make a determination with regard to your funeral director license, and the funeral home's establishment license.

ALLEGATIONS

1. Respondent Stephens Funeral Home is licensed as a Type A establishment.
2. Respondent Warren Stephens is licensed as a funeral director, and he is the manager of Stephens Funeral Home.
3. Respondent Mary Stephens is not licensed by this Board.
4. Respondent Carolyn Williams is not licensed by this Board.
5. On July 21, 2021, the Board received a complaint from Calvin Anderson.
6. The complaint alleged that Respondents Mary Stephens and Carolyn Williams made arrangements with the family.
7. The complaint further alleged that the general price list was not given to the family during the arrangement conference.
8. Respondent Carolyn Williams failed to respond to the complaint.

APPLICABLE LAWS

1. Pursuant to Ark. Code Ann. § 23-61-1103(a)(11)(A), the Board has authority to "conduct hearings and subpoena witnesses, books, and records in connection with alleged violations of this subchapter, relevant laws, and the rules or orders of the board."
2. Ark. Code Ann. § 17-29-311(a) authorizes the Board to "issue letters of reprimand or caution, refuse to issue or renew a license, suspend or revoke any license for the practice of embalming or funeral directing, or may place the holder thereof on a term of probation after proper

hearing upon finding the holder of the license to be guilty of acts of commission or omission, including the following: ...(8) Aiding or abetting an unlicensed person to practice embalming or funeral directing;...(18) Failure to answer a complaint within the fifteen-day time period”.

3. Ark. Code Ann. § 17-29-311(h) provides, “It is a violation of this chapter for a person to engage in the practice of embalming or funeral directing or to hold himself or herself out to the public as a licensed practicing embalmer or funeral director in this state without a license.”

4. Board Rule IV.2(f) provides, “The licensed funeral director, who manages and supervises the funeral establishment...is responsible for the supervision of all work performed by his agents and employees. License invalidation procedures may be brought against a licensed funeral director and funeral establishment because of the acts of their agents or employees which violate Chapter 29 Arkansas Code or the Rules and Regulations of this Board.

5. Board Rule XII.4 requires funeral establishments to comply with the requirements of the Federal Trade Commission (FTC) as they apply to funeral service. The FTC’s Funeral Industry Practices, specifically, 16 C.F.R. § 453.2(b)(4)(i)(A) requires the General Price List (GPL) to be given to “persons who inquire in person about the funeral goods, funeral services or prices of funeral goods or services offered by the funeral provider. The funeral provider must give the list upon beginning discussion of any of the following: (1) The prices of funeral goods or funeral services; (2) The overall type of funeral service or disposition; or (3) Specific funeral goods or funeral services offered by the funeral provider.”

6. Board Rule XV.4 provides, “the licensee or other party is to be given fifteen (15) days to respond, in writing, to the allegations of the complainant. Failure to respond to the complaint is an automatic violation.”

CHARGES

1. Respondent Warren Stephens' position as manager of the establishment makes him responsible for the supervision of all work performed by agents and employees of the establishment. Therefore, his allowing Respondents Mary Stephens and Williams to make arrangements with the family, as set forth in Allegation 6, violate Ark. Code Ann. § 17-29-311(a)(8) such that he aided or abetted unlicensed persons to engage in funeral directing.
2. Respondent Mary Stephens' actions, as set forth in Allegations 6, whereby she made arrangements with the family without a licensed funeral director present, violate Ark. Code Ann. § 17-29-311(h).
3. Respondent Carolyn Williams' actions, as set forth in Allegations 6, whereby she made arrangements with the family without a licensed funeral director present, violate Ark. Code Ann. § 17-29-311(h).
4. Respondents Stephens Funeral Home and Warren Stephens, as the funeral providers, in failing to give the GPL to the family in the arrangement conference, as set forth in Allegation 7, violate Board Rule XII.4 in that the requirements of the FTC were not complied with.
5. Respondent Carolyn Williams' failure to respond to the complaint as set forth in Allegation 8, violates Ark. Code Ann. § 17-29-311(a)(18) and Board Rule XV.4.

TIME AND PLACE OF HEARING

You are hereby notified that the Board will hold a hearing on the allegations set out above, on January 18, 2022 at 9:00 a.m. in the Diamond Mine Room on the 2nd Floor of the Department of Commerce building, located at 1 Commerce Way, Little Rock, AR 72202.

The hearing will be conducted pursuant to the Arkansas Administrative Procedure Act, Ark. Code Ann. § 25-15-201 *et seq.* You may appear in person, be represented by counsel, and

offer witnesses, affidavits, or documentary evidence in response to the allegations contained herein.

You are hereby notified that a continuance will be granted only for good cause and must be requested at least seven (7) days in advance. If you fail to appear at the hearing without first obtaining a continuance, the Board will conduct a hearing in your absence.

You are also notified that all evidence, including any documents, and any oral testimony which the Board determines to be relevant, shall be introduced on the day of the hearing. No additions will be permitted, nor will the record be allowed to be supplemented after the hearing is concluded.

Sincerely,



Amanda Gibson
Associate Counsel
Arkansas Insurance Department

Counsel for the State Board of Embalmers, Funeral
Directors, Cemeteries, and Burial Services